

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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EIGHTEENTH DAY, MONDAY, FEBRUARY 7, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father David Buescher.

On this Monday, this beginning of the week, Holy God, we praise Thy Name. For the good in our lives and our families, for the gifts Your generosity has deigned us, and for the work we are about to undertake for our state, we thank You.

May this week open for us joy in people and events, and a sense of accomplishment in what we undertake. Rain or shine, fast or feast, plenty or poverty, You are in us, with us, above us and between us. Continue to reign in these humble hearts, wherever these Your representatives find themselves this week. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventeenth day was approved as printed by the following vote:

AYES: 153

Aull	Baker 123	Baker 25	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bowman
Boykins	Bringer	Brown 30	Brown 50	Bruns
Burnett	Byrd	Chappelle-Nadal	Casey	Chinn
Cooper 120	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dusenberg	El-Amin	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Fraser	George	Guest	Harris 110	Harris 23
Haywood	Henke	Hobbs	Hoskins	Hubbard
Hughes	Icet	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	Stefanick	Stevenson	St. Onge	Storch

Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright-Jones	Wright 137	Wright 159	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bland	Brooks	Cooper 155	Dougherty
Goodman	Hunter	LeVota	Meadows	

VACANCIES: 001

## HOUSE CONCURRENT RESOLUTION

Representative Hoskins, et al., offered House Concurrent Resolution No. 18.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 372	-	Representative Hoskins
House Resolution No. 373	-	Representative Ruestman
House Resolution No. 374	-	Representative Franz
House Resolution No. 375	-	Representative Nance
House Resolution No. 376	-	Representative Oxford
House Resolution No. 377	-	Representative Casey
House Resolution No. 378	-	Representative Behnen
House Resolution No. 379	-	Representative Day
House Resolution No. 380	-	Representative Chappelle-Nadal
House Resolution No. 381	-	Representative Robb

## SECOND READING OF HOUSE BILLS

**HB 442** through **HB 465** were read the second time.

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 371** - Retirement

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 466**, introduced by Representatives Wilson (130), Ruestman, Brown (30), Stevenson, Daus, Weter, Jackson and Page, relating to impounding vehicles.

**HB 467**, introduced by Representative Storch, relating to expenditures by lobbyists.

**HB 468**, introduced by Representatives Richard, Jetton, Hobbs, Myers, Munzlinger, Spreng, Cooper (120), Portwood, Schneider, Cunningham (145), Kuessner, Kratky, Yates, Lager, Wasson, Stefanick, Harris (23), Rector, Barnitz, Roark, Lembke, Bringer, Schlottach, Robinson, Henke, Jackson, Guest, Johnson (47), Nieves, McGhee, Byrd, Ruestman, Wilson (130), Stevenson, Flook, Bowman, Weter, Wood, Hunter, Pearce, Self, Pollock, May, Salva, Casey, Swinger, Kraus, Rupp, Chappelle-Nadal, Sater, Ervin, Page, Whorton, Dixon, Fisher, Dempsey, Brown (50), Roorda, Zweifel, Smith (118), Parker, Behnen, Icet, Dusenberg, Brown (30), Tilley, Witte, Moore and Cunningham (86), relating to the state treasurer.

**HB 469**, introduced by Representatives Sater, Darrough, Page, Wildberger, Wilson (119) and Denison, relating to motor vehicle warranties.

**HB 470**, introduced by Representative Deeken, relating to state employees.

**HB 471**, introduced by Representative Hunter, relating to wholesale distributors of prescription drugs.

**HB 472**, introduced by Representatives Sander, Phillips, Lowe (44), Harris (110), Chinn, Hobbs and Moore, relating to captioning of electronic video instructional materials.

**HB 473**, introduced by Representative Yates, relating to pupil residency waiver requests.

**HB 474**, introduced by Representatives Yates and Wilson (130), relating to right of intervention by insurers in certain civil actions.

## MESSAGE FROM THE GOVERNOR

Office of the Governor  
State of Missouri

February 3, 2005

### REORGANIZATION PLAN NO. 4 2005

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 4 of 2005, by Executive Order 05-10, providing for the transfer of in-home service programs from the Department of Social Services and the Department of Elementary and Secondary Education to the Department of Health and Senior Services.

### EXECUTIVE ORDER 05-10

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IX of the Missouri Constitution and created pursuant to Chapter 161.020, RSMo; and

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 37 of the Missouri Constitution and Chapter 660.010, RSMo; and

WHEREAS, the Department of Health and Senior Services is created pursuant to Chapter 192.005, RSMo; and

WHEREAS, the Department of Elementary and Secondary Education currently provides personal attendant care to individuals with severe physical disabilities to enable them to live more independently through the Personal Assistance Services Program; and

WHEREAS, the Department of Social Services currently provides access to health care for low-income elderly and disabled individuals through the Medicaid Program; and

WHEREAS, the Department of Health and Senior Services provides support services to help seniors and adults with disabilities maintain their independence and safety; and

WHEREAS, the transfer of in-home care programs and services to one state department would better serve the state's elderly and disabled clients; and

WHEREAS, consolidation of these services would increase efficiencies and eliminate duplication of efforts; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby order the Missouri Department of Elementary and Secondary Education, the Missouri Department of Social Services, and the Missouri Department of Health and Senior Services to cooperate to:

1. Develop mechanisms and processes necessary to effectively transfer in-home services programs that serve the elderly and disabled individuals to the Department of Health and Senior Services;

2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the in-home services programs to the Department of Health and Senior Services, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 3<sup>rd</sup> day of February, 2005.

/s/ Matt Blunt  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

The following members' presence was noted: Bland, Sanders Brooks, Hunter and Meadows.

### **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Tuesday, February 8, 2005.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Tuesday, February 8, 2005, 12:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearings to be held on: HB 211, HB 267

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 8, 2005, 8:00 a.m. Hearing Room 4.

Public testimony for the Department of Conservation.

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, February 8, 2005, 2:45 p.m. Hearing Room 4.

Public testimony for the Department of Conservation.

#### **APPROPRIATIONS - EDUCATION**

Tuesday, February 8, 2005, 8:00 a.m. Hearing Room 1.

Presentations from the Coordinating Board for Higher Education and Higher Education Institutions.

#### **APPROPRIATIONS - EDUCATION**

Tuesday, February 8, 2005, 2:45 p.m. Hearing Room 1.

Presentations from Higher Education Institutions continued.

**APPROPRIATIONS - EDUCATION**

Wednesday, February 9, 2005, 2:45 p.m. Hearing Room 1.

Presentation from Linn State Technical College.

Public testimony on the First Steps Program.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 8, 2005, 8:00 a.m. Hearing Room 7.

Office of Administration - Public Debt, OA - Employee benefits,

OA - Department (first of two hearings).

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 8, 2005, 2:45 p.m. Hearing Room 7.

Office of Administration to be continued.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 9, 2005, 2:45 p.m. Hearing Room 7.

Budget to be reviewed: Department of Revenue

**APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 8, 2005, 8:00 a.m. Hearing Room 3.

Overview Departments of Health, Mental Health, and Social Services.

Hearing will resume at 2:00 p.m.

**APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Tuesday, February 8, 2005, 8:00 a.m. Hearing Room 6.

Public testimony will be heard for each department.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 8, 2005, 8:00 a.m. Hearing Room 5.

Department of Economic Development public testimony will be heard. AMENDED

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Tuesday, February 8, 2005, 2:45 p.m. Hearing Room 5.

Department of Labor and Industrial Relations. AMENDED

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 9, 2005, 2:45 p.m. Hearing Room 5.

Department of Insurance and Department of

Transportation public testimony to continue.

**BUDGET**

Thursday, February 10, 2005, 8:00 a.m. Hearing Room 3.

Organizational meeting and discuss supplemental budget.

**CONSERVATION AND NATURAL RESOURCES**

Wednesday, February 9, 2005, 6:00 p.m. Hearing Room 1.

Public comment on the Missouri Department of Natural Resources.

**CRIME PREVENTION AND PUBLIC SAFETY**

Tuesday, February 8, 2005, 6:00 p.m. Hearing Room 1.

Executive session may follow.

This may be a long hearing as committee intends to hear all testimony at this time.

Public hearing to be held on: HB 441

**ELECTIONS**

Tuesday, February 8, 2005, 6:00 p.m. Hearing Room 5.

Public hearings to be held on: HB 107, HB 66

**ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, February 9, 2005, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 87, HB 153

**FINANCIAL INSTITUTIONS**

Tuesday, February 8, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: HB 248

**HEALTH CARE POLICY**

Wednesday, February 9, 2005, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 217, HB 82

**JOB CREATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 9, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 226, HB 135

**JOINT COMMITTEE ON EDUCATION**

Tuesday, February 8, 2005, 8:00 p.m. Senate Committee Room 1.

Initial discussion of Foundation Formula.

**JUDICIARY**

Tuesday, February 8, 2005, 12:00 p.m. Hearing Room 7.

Anticipated length of hearing three (3) hours.

Public hearing to be held on: HB 393

**LOCAL GOVERNMENT**

Thursday, February 10, 2005, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 58, HB 284, HB 250, HB 114, HB 283

**PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, February 9, 2005, 12:00 p.m. Hearing Room 1. AMENDED

Public hearings to be held on: HB 56, HB 295, HB 61

**TOURISM**

Thursday, February 24, 2005, 9:00 a.m. House Lounge.

Presentation of the annual report by the Tourism Commission.

**TRANSPORTATION**

Wednesday, February 9, 2005, 8:00 a.m. Hearing Room 1. CANCELLED

Public hearings to be held on: HB 218, HB 262

**VETERANS**

Wednesday, February 9, 2005, 8:00 a.m. Hearing Room 5.

Public hearing to be held on: HB 185

Executive session will be held on: HB 94, HB 119, HB 163, HB 213, HB 216

**WAYS AND MEANS**

Wednesday, February 9, 2005, 6:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 181, HB 186, HB 63, HB 92

**HOUSE CALENDAR**

NINETEENTH DAY, TUESDAY, FEBRUARY 8, 2005

**HOUSE BILLS FOR SECOND READING**

HB 466 through HB 474